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Supervisor, Patent Prosecution Services PIPER RUDNICK LLP 1200 Nineteenth Street, N.W. Washington, DC 20036-2412			DWIVEDI, MAHESH H	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/657,562 Examiner Mahesh H. Dwivedi	ONI, ADEBOYEJO A. Art Unit 2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05/4/06.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-28 and 30-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-28 and 30-43 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 16 March 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/25/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements (IDS) submitted on 02/16/2004 has been received, entered into the record, and considered. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Election/Restrictions

2. The examiner acknowledges that applicants elect Group I, claims 1-28, and 30-43, and cancel Group II, claims 19 and 44 with traverse.

Specification

3. The disclosure is objected to because of the following informalities: In page 7, line 7 of the specification, “FIG. 2H” should be changed to “FIG.2I”.

Appropriate correction is required.

Drawings

4. The drawings were received on 03/16/2004. These drawings are replacement sheets for Figure 2B.

The examiner notes that there are several instances of reference numbers mentioned in the specification, but failing to appear in the subsequent drawings. The examiner suggests to applicant to submit new drawing sheets to incorporate the missing reference numbers. Some examples of the missing reference numbers are:

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the

description: “**306**” in Figure 3B. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: “**307**” in Figure 3B. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the

description: “**312**” in Figure 3B. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The terms “**start table**” and “**end table**” are vague and indefinite. The examiner suggests to applicant to amend the specification to clearly define what a “**start table**” and “**end table**” are. For the purposes of this examination, the examiner considers a “**start table**” as a “starting document” and an “**end table**” as a “retrieved document”. Claims 2-9 and 31-35 are rejected for incorporating the deficiencies of claims 1 and 30.

Claims 1 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term “**unprocessed items**” are vague and indefinite. The examiner suggests to applicant to amend the specification to clearly define what an “unprocessed item” is. For the purposes of this examination, the examiner considers a “**unprocessed item**” as a new content. Claims 2-9 and 31-35 are rejected for incorporating the deficiencies of claims 1 and 30.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claims 1-28, and 30-43 are rejected under 35 U.S.C. 102(a) as being anticipated by **Knutson** (U.S. PGPUB 2002/0087416).

9. Regarding claim 1, **Knutson** teaches a method comprising:

- A) receiving filtering criteria (Paragraphs 97 and 112);
- B) accessing at least one database relating to the at least one individualized instructional program (Paragraphs 26 and 90);

- C) determining a start table and an end table in the at least one database (Paragraphs 59, 88, and 117);
- D) determining if the start table and the end table are related (Paragraphs 59, 88, and 117);
- E) if the start table and the end table are related, determining if the end table contains unprocessed items (Paragraphs 59, 88, 97, 112, and 117);
- F) if the end table does not contain unprocessed items, identifying data from the end table that meets the filtering criteria (Paragraphs 59, 88, 97, 112, and 117); and
- G) continuously adapting the filtering criteria to fit an adapting user profile (Knutson, Abstract, Paragraph 21).

The examiner notes that "The system 10 also formats, reformats, or converts the content in accordance with the user's profile and/or the user's hardware profile such that it is provided in a format or level that is appropriate to the user" (Paragraph 97) and "The system 10 includes a filter 136 that receives Internet content 150. The filter 136 edits and/or parses the content according to the user's profile and/or the user's level within a learning chain of an educational plan (attainment level) or the user's current knowledge with respect to a chosen subject" (Paragraph 112) are analogous to "**receiving filtering criteria**". The examiner further notes that "A server/database/system 10" (Paragraph 90) and "The system 10 contains or stores various learning materials, programs, tests, etc. (collectively termed educational or learning material" (Paragraph 90) are analogous to "**accessing at least one database relating to the individualized instructional program**". The examiner further notes

that “an ebot is used to categorize Internet content into palette friendly knowledge gems” (Paragraph 88) and “the system 10 controller looks into the application map to find an action to invoke for a given URL request from the client” (Paragraph 117) are analogous to “**determining a start table and an end table in the at least one database**”. The examiner further notes that the initial palette of a user is analogous to a “**start table**”, and the desired content via a URL request or an ebot scan is analogous to an “**end table**”. The examiner further notes that “Based on the user’s input, a combination of concept weighting and desired relevancy percentile ranks the paragraphs” (Paragraph 59), “The system 10 also formats, reformats, or converts the content in accordance with the user’s profile and/or the user’s hardware profile such that it is provided in a format or level that is appropriate to the user” (Paragraph 97) and “The system 10 includes a filter 136 that receives Internet content 150. The filter 136 edits and/or parses the content according to the user’s profile and/or the user’s level within a learning chain of an educational plan (attainment level) or the user’s current knowledge with respect to a chosen subject” (Paragraph 112) are analogous to “**determining if the start table and the end table are related**”. The examiner further notes that “Based on the user’s input, a combination of concept weighting and desired relevancy percentile ranks the paragraphs” (Paragraph 59), “The system 10 also formats, reformats, or converts the content in accordance with the user’s profile and/or the user’s hardware profile such that it is provided in a format or level that is appropriate to the user” (Paragraph 97) and “The system 10 includes a filter 136 that receives Internet content 150. The filter 136 edits and/or parses the content according to the

user's profile and/or the user's level within a learning chain of an educational plan (attainment level) or the user's current knowledge with respect to a chosen subject" (Paragraph 112) are analogous to "**if the end table does not contain unprocessed items, identifying data from the end table that meets the filtering criteria**". The examiner further notes that "The learning template will also be continuously and dynamically updated based on factors such as performance (testing) on previous lessons/educational material" (Paragraph 21) and "A profile is interactively developed from the individual, stored in a relational database, and continuously updated from an individual's learning results" (Abstract) are analogous to "**continuously adapting the filtering criteria to fit an adapting user profile**".

Regarding claim 2, Knutson further teaches a method comprising:

- A) wherein determining if the start table and the end table are related further comprises determining if the start table and the end table are closely related (Paragraph 59); and
- B) if so, designating a high value factor (Paragraph 59).

The examiner notes that "The application sets a relevancy threshold for returned documents using a mathematical algorithm. The algorithm, designed to analyze the sequence of thoughts in a document, determines if those thoughts are relevant to the user's palette" (Paragraph 59) is analogous to "**wherein determining if the start table and the end table are related further comprises determining if the start table and the end table are closely related**". The examiner further notes that "The user then selects the desired relevancy level (percentile range between – and 100) that a

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response must meet to be categorized" (Paragraph 59) and "Should the document's most relevant paragraph contain all of the possible concepts, the subject application further analyzes the paragraph by order of concepts in the paragraph versus order of concepts in the interest" (Paragraph 59) are analogous to "**if so, designating a high value factor**".

Regarding claim 3, **Knutson** further teaches a method comprising:

- A) wherein if the start table and the end table are not closely related, determining if the start table and the end table are loosely related (Paragraph 59); and
- B) if so, designating a low value factor (Paragraph 59).

The examiner notes that "The application sets a relevancy threshold for returned documents using a mathematical algorithm. The algorithm, designed to analyze the sequence of thoughts in a document, determines if those thoughts are relevant to the user's palette" (Paragraph 59) is analogous to "**wherein if the start table and the end table are not closely related, determining if the start table and the end table are loosely related**". The examiner further notes that **Knutson's** process can yield a low relevancy link based on the relevancy determination. The examiner further notes that "The user then selects the desired relevancy level (percentile range between – and 100) that a response must meet to be categorized" (Paragraph 59) and "Should the document's most relevant paragraph contain all of the possible concepts, the subject application further analyzes the paragraph by order of concepts in the paragraph versus

order of concepts in the interest" (Paragraph 59) are analogous to "if so, designating a low value factor".

Regarding claim 4, **Knutson** further teaches a method comprising:

- A) wherein if the end table contains unprocessed items: selecting another item from the end table (Paragraph 59);
- B) adjusting the filtering criteria (Paragraph 59);
- C) determining if at least one preclusive condition has been met (Paragraph 59); and
- D) if at least one preclusive condition has been met, designating the item as not meeting the filtering criteria (Paragraph 59).

Regarding claim 5, **Knutson** further teaches a method comprising:

- A) wherein if at least one preclusive condition has not been met, determining if a degree is higher than a specified threshold (Paragraph 59).

The examiner notes that "The application sets a relevancy threshold for returned documents using a mathematical algorithm. The algorithm, designed to analyze the sequence of thoughts in a document, determines if those thoughts are relevant to the user's palette" (Paragraph 59) and "The user then selects the desired relevancy level (percentile range between – and 100) that a response must meet to be categorized" (Paragraph 59) and "Should the document's most relevant paragraph contain all of the possible concepts, the subject application further analyzes the paragraph by order of concepts in the paragraph versus order of concepts in the interest" (Paragraph 59) are

analogous to “**wherein if at least one preclusive condition has not been met, determining if a degree is higher than a specified threshold**”.

Regarding claim 6, **Knutson** further teaches a method comprising:

- A) wherein if the degree is determined to be higher than the specified threshold, an item is considered to meet the filtering criteria (Paragraph 59).

The examiner notes that “The application sets a relevancy threshold for returned documents using a mathematical algorithm. The algorithm, designed to analyze the sequence of thoughts in a document, determines if those thoughts are relevant to the user’s palette” (Paragraph 59) and “The user then selects the desired relevancy level (percentile range between – and 100) that a response must meet to be categorized” (Paragraph 59) and “Should the document’s most relevant paragraph contain all of the possible concepts, the subject application further analyzes the paragraph by order of concepts in the paragraph versus order of concepts in the interest” (Paragraph 59) are analogous to “**wherein if the degree is determined to be higher than the specified threshold, an item is considered to meet the filtering criteria**”.

Regarding claim 7, **Knutson** further teaches a method comprising:

- A) wherein if the degree is not higher than the specified threshold, determining if there at least one table exists deeper in a history that has not been processed (Paragraph 59).

The examiner notes that "The application sets a relevancy threshold for returned documents using a mathematical algorithm. The algorithm, designed to analyze the sequence of thoughts in a document, determines if those thoughts are relevant to the user's palette" (Paragraph 59) and "The algorithm operates paragraph by paragraph in a document, looking for the paragraph with the most relevant thought and delivery mechanism" (Paragraph 59) are analogous to "**wherein if the degree is not higher than the specified threshold, determining if there at least one table exists deeper in a history that has not been processed**". The examiner further notes that Knutson's process of delving into a document paragraph by paragraph for relevancy determination is akin to finding additional tables of relevancy after a previous table has been labeled as not relevant.

Regarding claim 8, Knutson further teaches a method comprising:

- A) wherein if at least one table does not exist deeper in the history that has not been processed, the table is designated as not meeting the filtering criteria (Paragraph 59).

The examiner notes that "The application sets a relevancy threshold for returned documents using a mathematical algorithm. The algorithm, designed to analyze the sequence of thoughts in a document, determines if those thoughts are relevant to the user's palette" (Paragraph 59) and "The algorithm operates paragraph by paragraph in a document, looking for the paragraph with the most relevant thought and delivery mechanism" (Paragraph 59) are analogous to "**wherein if at least one table does not exist deeper in the history that has not been processed, the table is designated as**

not meeting the filtering criteria". The examiner further notes that **Knutson's** process of delving into a document paragraph by paragraph for relevancy determination is akin to finding additional tables of relevancy after a previous table has been labeled as not relevant. The examiner further notes that it is common knowledge that after reaching the end of the line of a document and finding no relevant paragraphs, than that document is designated as not relevant.

Regarding claim 9, **Knutson** further teaches a method comprising:

- A) wherein if at least one table exists deeper in the history that has not been processed, the table is designated as a new start table (Paragraph 59).

The examiner notes that "The application sets a relevancy threshold for returned documents using a mathematical algorithm. The algorithm, designed to analyze the sequence of thoughts in a document, determines if those thoughts are relevant to the user's palette" (Paragraph 59) and "The algorithm operates paragraph by paragraph in a document, looking for the paragraph with the most relevant thought and delivery mechanism" (Paragraph 59) are analogous to "**wherein if at least one table exists deeper in the history that has not been processed, the table is designated as a new start table**". The examiner further notes that **Knutson's** process of delving into a document paragraph by paragraph for relevancy determination is akin to finding additional tables of relevancy after a previous table has been labeled as not relevant. The examiner further notes that it is common knowledge that after encountering a document, the process of relevancy determination is repeated.

Regarding claim 10, **Knutson** teaches a method comprising:

- A) receiving filtering criteria (Paragraphs 97 and 112);
- B) accessing at least one database relating to the individualized instructional program (Paragraph 90);
- C) identifying data responsive to the filtering criteria (Paragraphs 97 and 112); and
- D) continuously adapting the filtering criteria to fit an adapting user profile (**Knutson**, Abstract, Paragraph 21).

The examiner notes that “The system 10 also formats, reformats, or converts the content in accordance with the user’s profile and/or the user’s hardware profile such that it is provided in a format or level that is appropriate to the user” (Paragraph 97) and “The system 10 includes a filter 136 that receives Internet content 150. The filter 136 edits and/or parses the content according to the user’s profile and/or the user’s level within a learning chain of an educational plan (attainment level) or the user’s current knowledge with respect to a chosen subject” (Paragraph 112) are analogous to “**receiving filtering criteria**”. The examiner further notes that “A server/database/system 10” (Paragraph 90) and “The system 10 contains or stores various learning materials, programs, tests, etc. (collectively termed educational or learning material” (Paragraph 90) are analogous to “**accessing at least one database relating to the individualized instructional program**”. The examiner further notes that “The system 10 also formats, reformats, or converts the content in accordance with the user’s profile and/or the user’s hardware profile such that it is provided in a format or

level that is appropriate to the user" (Paragraph 97) and "The system 10 includes a filter 136 that receives Internet content 150. The filter 136 edits and/or parses the content according to the user's profile and/or the user's level within a learning chain of an educational plan (attainment level) or the user's current knowledge with respect to a chosen subject" (Paragraph 112) are analogous to "**identifying data responsive to the filtering criteria**". The examiner further notes that "The learning template will also be continuously and dynamically updated based on factors such as performance (testing) on previous lessons/educational material" (Paragraph 21) and "A profile is interactively developed from the individual, stored in a relational database, and continuously updated from an individual's learning results" (Abstract) are analogous to "**continuously adapting the filtering criteria to fit an adapting user profile**".

Regarding claim 11, **Knutson** further teaches a method comprising:

- A) wherein at least one key personal attribute is discovered and added to the filtering criteria (Paragraphs 23-24).

The examiner notes that "It is critical to identify "uniqueness" in the individual" (Paragraph 23) and "By analyzing this developmental set of interrelated attributes, learning strengths and preferences can be identified" (Paragraph 24) are analogous to "**wherein at least one key personal attribute is discovered and added to the filtering criteria**".

Regarding claim 12, **Knutson** further teaches a method comprising:

A) wherein the data comprises information from at least one of: education; careers; and personal attributes (Paragraph 97).

The examiner notes that "The educational material or content is chosen, selected, or gathered in response to system 10 according to the user's profile" (Paragraph 97) is analogous to "**wherein the data comprises information from at least one of: education; careers; and personal attributes**".

Regarding claim 13, **Knutson** further teaches a method comprising:

A) a graphical user interface that adapts to a user profile (Paragraphs 89, 112, and 113).

The examiner notes that "The user interface is evolutionarily adapted to meet the individual palette" (Paragraph 89) is analogous to "**a graphical user interface that adapts to a user profile**".

Regarding claim 14, **Knutson** further teaches a method comprising:

A) extracting an accurate user profile by capturing at least one user reaction to at least one self-assessment instrument (Paragraphs 17, 20, and 21).

The examiner notes that "The content may also be filtered according to the user's educational plan, learning rank, testing results, level in a learning chain, and/or otherwise" (Paragraph 17) is analogous to "**extracting an accurate user profile by capturing at least one user reaction to at least one self-assessment instrument**".

Regarding claim 15, **Knutson** further teaches a method comprising:

- A) wherein the data responsive to the filtering criteria has been filtered across different types of data (Paragraph 90).

The examiner notes that "The educational material consists of still pictures or frames, video clips, audio clips, and/or any other type of multi-media formatted information/data" (Paragraph 90) is analogous to "**wherein the data responsive to the filtering criteria has been filtered across different types of data**".

Regarding claim 16, **Knutson** further teaches a method comprising:

- A) wherein the user profile is created by capturing and processing user reactions (Paragraph 24).

The examiner notes that "Proper profiling of learning ability to produce the template or palette is accomplished through examination of motor processing, auditory processing, visual processing, language, and basic concept development, physical, emotional, environmental, sensory, and spiritual cognitive, development" (Paragraph 24) is analogous to "**wherein the user profile is created by capturing and processing user reactions**".

Regarding claim 17, **Knutson** further teaches a method comprising:

- A) discovering intersections among at least two instruments and assigning meaning to the intersections (Paragraph 32).

The examiner notes that “the individual learning palette comprised of hundreds of elemental rungs, built from sensory, perceptual, and motor interplay, which are interwoven and then translated into their corresponding behavioral, academic, and coordination states” (Paragraph 32) is analogous to “**discovering intersections among at least two instruments and assigning meaning to the intersections**”.

Regarding claim 18, **Knutson** further teaches a method comprising:

- A) wherein the at least one database is an updatable database (Paragraph 26).

The examiner notes that “The database of learning activities is compiled form both existing Internet resources and contributed material that will be continuously expanded and/or updated” (Paragraph 26) is analogous to “**wherein the at least one database is an updatable database**”.

Regarding claim 19, **Knutson** further teaches a method comprising:

- A) wherein data in at least two databases is integrated into a database comprising a dynamic intersection of options (Paragraph 26).

The examiner notes that “The database of learning activities is compiled form both existing Internet resources and contributed material that will be continuously expanded and/or updated” (Paragraph 26) is analogous to “**wherein data in at least two databases is integrated into a database comprising a dynamic intersection of options**”.

Regarding claim 20, **Knutson** further teaches a method comprising:

- A) wherein the individualized instruction program plan comprises information from more than one institution (Paragraphs 22, 26, and 55).

The examiner notes that "The educational material is culled or gathered from the vast ocean of information and/or content already available on the Internet" (Paragraph 22) is analogous to "**wherein the individualized instruction program plan comprises information from more than one institution**".

Regarding claim 21, **Knutson** further teaches a method comprising:

- A) wherein the individualized instruction program comprises information available on the Internet (Paragraphs 22, 26, and 55).

The examiner notes that "The educational material is culled or gathered from the vast ocean of information and/or content already available on the Internet" (Paragraph 22) is analogous to "**wherein the individualized instruction program comprises information available on the Internet**".

Regarding claim 22, **Knutson** further teaches a method comprising:

- A) wherein identifying data responsive to the filtering criteria comprises filtering the at least one repository of data using the filtering criteria (Paragraphs 112-113).

The examiner notes that "The system 10 includes a filter 136 that receives Internet content 150. The filter 136 edits and/or parses the content according to the user's profile and/or the user's level within a learning chain of an educational plan

(attainment level) or the user's current knowledge with respect to a chosen subject" (Paragraph 112) is analogous to "**wherein identifying data responsive to the filtering criteria comprises filtering the at least one repository of data using the filtering criteria**".

Regarding claim 25, **Knutson** teaches a method comprising:

- A) receiving past user profile information (**Knutson**, Abstract, Paragraph 21);
- B) organizing the past user profile information into at least one norm user profile database (**Knutson**, Abstract, Paragraph 108); and
- C) comparing current user profile information with information in the at least one norm user profile database (**Knutson**, Abstract, Paragraph 21);
- D) if the current user profile information meets criteria of at least one norm user profile, customizing display information on a user interface to match the at least one norm user profile (Paragraphs 89, 112, and 113); and
- E) if the current user profile information does not meet criteria of at least one norm user profile, customizing the display information to match the current user profile information (Paragraphs 89, 112, and 113).

The examiner notes that "A profile is interactively developed from the individual and stored in a relational database, and continuously updated from an individual's learning results" (Abstract) is analogous to "**receiving past user profile information**". The examiner further notes that it is common knowledge that in order to continually update a profile, one must have the prior version of that profile before updating it. The

examiner further notes that “A profile is interactively developed from the individual and stored in a relational database, and continuously updated from an individual’s learning results” (Abstract) is analogous to “**organizing the past user profile information into at least one norm user profile database**”. The examiner further notes that “A profile is interactively developed from the individual and stored in a relational database, and continuously updated from an individual’s learning results” (Abstract) is analogous to “**comparing current user profile information with information in the at least one norm user profile database**”. The examiner further notes that it is common knowledge that in order to decide whether to dynamically update a user profile, new data is compared to stored version of the profile in order to meet current trends of the user. The examiner notes that “The user interface is evolutionarily adapted to meet the individual palette” (Paragraph 89) is analogous to “**if the current user profile information meets criteria of at least one norm user profile, customizing display information on a user interface to match the at least one norm user profile**”. The examiner notes that “The user interface is evolutionarily adapted to meet the individual palette” (Paragraph 89) is analogous to “**if the current user profile information does not meet criteria of at least one norm user profile, customizing the display information to match the current user profile information**”.

Regarding claim 26, **Knutson** further teaches a method comprising:

- A) wherein customizing the display information to match the current user profile information comprises a personal agent factor (Paragraphs 89, 112, and 113).

The examiner notes that “The user interface is evolutionarily adapted to meet the individual palette” (Paragraph 89) is analogous to **“wherein customizing the display information to match the current user profile information comprises a personal agent factor”**.

Regarding claim 27, **Knutson** further teaches a method comprising:

- A) organizing and reporting customized user profile information (Paragraphs 89, 112, and 113); and
- B) assigning display information to customized user profile information (Paragraphs 89, 112, and 113).

The examiner notes that “The filtered content 138 may be stored in a content storage device 140 for later use” (Paragraph 112) is analogous to **“organizing and reporting customized user profile information”**. The examiner further notes that “The user interface is evolutionarily adapted to meet the individual palette” (Paragraph 89) is analogous to **“assigning display information to customized user profile information”**.

Regarding claim 28, **Knutson** further teaches a method comprising:

- A) wherein the data is related to an individual instruction program (Paragraphs 25 and 27-28).

The examiner notes that “Based upon an individual template, the system will present a concept accordingly through appropriate educational content that has been

formatted accordingly" (Paragraph 27) is analogous to "**wherein the data is related to an individual instruction program**".

Regarding claim 30, **Knutson** teaches a system comprising:

- A) an interface for receiving filtering criteria (Paragraphs 97 and 112);
- B) at least one database relating to the at least one individualized instructional program (Paragraphs 26 and 90);
- C) a start table and an end table in the at least one database (Paragraphs 59, 88, and 117);
- D) a program for determining if the start table and the end table are related (Paragraphs 59, 88, and 117); ;
- E) if the start table and the end table are related, a program for determining if the end table contains unprocessed items (Paragraphs 59, 88, 112, and 117);
- F) if the end table does not contain unprocessed items, a program for identifying data from the end table that meets the filtering criteria (Paragraphs 59, 88, 112, and 117); and
- G) a program for continuously adapting the filtering criteria to fit an adapting user profile (**Knutson**, Abstract, Paragraph 21).

The examiner notes that "The system 10 also formats, reformats, or converts the content in accordance with the user's profile and/or the user's hardware profile such that it is provided in a format or level that is appropriate to the user" (Paragraph 97) and "The system 10 includes a filter 136 that receives Internet content 150. The filter 136

edits and/or parses the content according to the user's profile and/or the user's level within a learning chain of an educational plan (attainment level) or the user's current knowledge with respect to a chosen subject" (Paragraph 112) are analogous to "**an interface for receiving filtering criteria**". The examiner further notes that "A server/database/system 10" (Paragraph 90) and "The system 10 contains or stores various learning materials, programs, tests, etc. (collectively termed educational or learning material" (Paragraph 90) are analogous to "**at least one database relating to the at least one individualized instructional program**". The examiner further notes that "an ebot is used to categorize Internet content into palette friendly knowledge gems" (Paragraph 88) and "the system 10 controller looks into the application map to find an action to invoke for a given URL request from the client" (Paragraph 117) are analogous to "**a start table and an end table in the at least one database**". The examiner further notes that the initial palette of a user is analogous to a "**start table**", and the desired content via a URL request or an ebot scan is analogous to an "**end table**". The examiner further notes that "Based on the user's input, a combination of concept weighting and desired relevancy percentile ranks the paragraphs" (Paragraph 59), "The system 10 also formats, reformats, or converts the content in accordance with the user's profile and/or the user's hardware profile such that it is provided in a format or level that is appropriate to the user" (Paragraph 97) and "The system 10 includes a filter 136 that receives Internet content 150. The filter 136 edits and/or parses the content according to the user's profile and/or the user's level within a learning chain of an educational plan (attainment level) or the user's current knowledge with respect to a

chosen subject" (Paragraph 112) are analogous to "**a program for determining if the start table and the end table are related**". The examiner further notes that "Based on the user's input, a combination of concept weighting and desired relevancy percentile ranks the paragraphs" (Paragraph 59), "The system 10 also formats, reformats, or converts the content in accordance with the user's profile and/or the user's hardware profile such that it is provided in a format or level that is appropriate to the user" (Paragraph 97) and "The system 10 includes a filter 136 that receives Internet content 150. The filter 136 edits and/or parses the content according to the user's profile and/or the user's level within a learning chain of an educational plan (attainment level) or the user's current knowledge with respect to a chosen subject" (Paragraph 112) are analogous to "**if the end table does not contain unprocessed items, a program for identifying data from the end table that meets the filtering criteria**". The examiner further notes that "The learning template will also be continuously and dynamically updated based on factors such as performance (testing) on previous lessons/educational material" (Paragraph 21) and "A profile is interactively developed from the individual, stored in a relational database, and continuously updated from an individual's learning results" (Abstract) are analogous to "**a program for continuously adapting the filtering criteria to fit an adapting user profile**".

Regarding claim 31, Knutson further teaches a system comprising:

- A) wherein the program for determining if the start table and the end table are related further comprises a program for determining if the start table and the end table are closely related (Paragraph 59); and
- B) if so, a program for designating a high value factor (Paragraph 59).

The examiner notes that "The application sets a relevancy threshold for returned documents using a mathematical algorithm. The algorithm, designed to analyze the sequence of thoughts in a document, determines if those thoughts are relevant to the user's palette" (Paragraph 59) is analogous to "**wherein the program for determining if the start table and the end table are related further comprises a program for determining if the start table and the end table are closely related**". The examiner further notes that "The user then selects the desired relevancy level (percentile range between – and 100) that a response must meet to be categorized" (Paragraph 59) and "Should the document's most relevant paragraph contain all of the possible concepts, the subject application further analyzes the paragraph by order of concepts in the paragraph versus order of concepts in the interest" (Paragraph 59) are analogous to "**if so, a program for designating a high value factor**".

Regarding claim 32, Knutson further teaches a system comprising:

- A) a program for determining if the start table and the end table are loosely related (Paragraph 59); and
- B) if so, a program for designating a low value factor (Paragraph 59).

The examiner notes that "The application sets a relevancy threshold for returned documents using a mathematical algorithm. The algorithm, designed to analyze the sequence of thoughts in a document, determines if those thoughts are relevant to the user's palette" (Paragraph 59) is analogous to "**a program for determining if the start table and the end table are loosely related**". The examiner further notes that Knutson's process can yield a low relevancy link based on the relevancy determination. The examiner further notes that "The user then selects the desired relevancy level (percentile range between – and 100) that a response must meet to be categorized" (Paragraph 59) and "Should the document's most relevant paragraph contain all of the possible concepts, the subject application further analyzes the paragraph by order of concepts in the paragraph versus order of concepts in the interest" (Paragraph 59) are analogous to "**if so, a program for designating a low value factor**".

Regarding claim 33, Knutson further teaches a system comprising:

- A) selecting another item from the end table (Paragraph 59);
- B) adjusting the filtering criteria (Paragraph 59);
- C) determining if at least one preclusive condition has been met (Paragraph 59); and
- D) if at least one preclusive condition has been met, designating the item as not meeting the filtering criteria (Paragraph 59).

Regarding claim 34, Knutson further teaches a system comprising:

A) a program for determining if a degree is higher than a specified threshold.

The examiner notes that "The application sets a relevancy threshold for returned documents using a mathematical algorithm. The algorithm, designed to analyze the sequence of thoughts in a document, determines if those thoughts are relevant to the user's palette" (Paragraph 59) and "The user then selects the desired relevancy level (percentile range between – and 100) that a response must meet to be categorized" (Paragraph 59) and "Should the document's most relevant paragraph contain all of the possible concepts, the subject application further analyzes the paragraph by order of concepts in the paragraph versus order of concepts in the interest" (Paragraph 59) are analogous to "**a program for determining if a degree is higher than a specified threshold**".

Regarding claim 35, Knutson further teaches a method comprising:

A) a program for determining if there at least one table exists deeper in history that has not been processed (Paragraph 59).

The examiner notes that "The application sets a relevancy threshold for returned documents using a mathematical algorithm. The algorithm, designed to analyze the sequence of thoughts in a document, determines if those thoughts are relevant to the user's palette" (Paragraph 59) and "The algorithm operates paragraph by paragraph in a document, looking for the paragraph with the most relevant thought and delivery mechanism" (Paragraph 59) are analogous to "**a program for determining if there at least one table exists deeper in history that has not been processed**". The

examiner further notes that **Knutson's** process of delving into a document paragraph by paragraph for relevancy determination is akin to finding additional tables of relevancy after a previous table has been labeled as not relevant.

Regarding claim 36, **Knutson** teaches a system comprising:

- A) an interface for receiving filtering criteria (Paragraphs 97 and 112);
- B) at least one repository of data relating to the individualized instructional program (Paragraph 90); and
- C) a program for identifying data responsive to the filtering criteria (Paragraphs 97 and 112);
- D) a program for continuously adapting the filtering criteria to fit an adapting user profile (Knutson, Abstract, Paragraph 21).

The examiner notes that "The system 10 also formats, reformats, or converts the content in accordance with the user's profile and/or the user's hardware profile such that it is provided in a format or level that is appropriate to the user" (Paragraph 97) and "The system 10 includes a filter 136 that receives Internet content 150. The filter 136 edits and/or parses the content according to the user's profile and/or the user's level within a learning chain of an educational plan (attainment level) or the user's current knowledge with respect to a chosen subject" (Paragraph 112) are analogous to "**an interface for receiving filtering criteria**". The examiner further notes that "A server/database/system 10" (Paragraph 90) and "The system 10 contains or stores various learning materials, programs, tests, etc. (collectively termed educational or

learning material" (Paragraph 90) are analogous to "**at least one repository of data relating to the individualized instructional program**". The examiner further notes that "The system 10 also formats, reformats, or converts the content in accordance with the user's profile and/or the user's hardware profile such that it is provided in a format or level that is appropriate to the user" (Paragraph 97) and "The system 10 includes a filter 136 that receives Internet content 150. The filter 136 edits and/or parses the content according to the user's profile and/or the user's level within a learning chain of an educational plan (attainment level) or the user's current knowledge with respect to a chosen subject" (Paragraph 112) are analogous to "**a program for identifying data responsive to the filtering criteria**". The examiner further notes that "The learning template will also be continuously and dynamically updated based on factors such as performance (testing) on previous lessons/educational material" (Paragraph 21) and "A profile is interactively developed from the individual, stored in a relational database, and continuously updated from an individual's learning results" (Abstract) are analogous to "**a program for continuously adapting the filtering criteria to fit an adapting user profile**".

Regarding claim 37, Knutson further teaches a system comprising:

- A) wherein at least one key personal attribute is discovered and added to the filtering criteria (Paragraphs 23-24).

The examiner notes that "It is critical to identify "uniqueness" in the individual" (Paragraph 23) and "By analyzing this developmental set of interrelated attributes,

learning strengths and preferences can be identified" (Paragraph 24) are analogous to "wherein at least one key personal attribute is discovered and added to the filtering criteria".

Regarding claim 38, **Knutson** further teaches a system comprising:

- A) wherein the data comprises information from at least one of: education; careers; and personal attributes (Paragraph 97).

The examiner notes that "The educational material or content is chosen, selected, or gathered in response to system 10 according to the user's profile" (Paragraph 97) is analogous to "wherein the data comprises information from at least one of: education; careers; and personal attributes".

Regarding claim 39, **Knutson** further teaches a system comprising:

- A) an interface that adapts to a user profile (Paragraphs 89, 112, and 113).

The examiner notes that "The user interface is evolutionarily adapted to meet the individual palette" (Paragraph 89) is analogous to "an interface that adapts to a user profile".

Regarding claim 40, **Knutson** further teaches a system comprising:

- A) a program for extracting an accurate user profile by capturing at least one user reaction to at least one question (Paragraphs 17, 20, and 21).

The examiner notes that "The content may also be filtered according to the user's educational plan, learning rank, testing results, level in a learning chain, and/or otherwise" (Paragraph 17) is analogous to "**a program for extracting an accurate user profile by capturing at least one user reaction to at least one question**".

Regarding claim 41, **Knutson** further teaches a system comprising:

- A) wherein the data responsive to the filtering criteria has been filtered across different types of data (Paragraph 90).

The examiner notes that "The educational material consists of still pictures or frames, video clips, audio clips, and/or any other type of multi-media formatted information/data" (Paragraph 90) is analogous to "**wherein the data responsive to the filtering criteria has been filtered across different types of data**".

Regarding claim 42, **Knutson** teaches a system comprising:

- A) a program for organizing past user profile information and storing it in at least one norm user profile information database (Paragraph 108);
- B) a program for comparing current user profile information with information in the at least one norm user profile database (**Knutson, Abstract, Paragraph 21**); and
- C) a program for determining if the current user profile information meets criteria of at least one norm user profile (Paragraphs 21, 89, 112, and 113); and
- D) if so, customizing display information on a user interface to match the at least one norm user profile (Paragraphs 89, 112, and 113).

The examiner notes that “A profile is interactively developed from the individual and stored in a relational database, and continuously updated from an individual’s learning results” (Abstract) is analogous to “**a program for organizing past user profile information and storing it in at least one norm user profile information database**”. The examiner further notes that it is common knowledge that in order to continually update a profile, one must have the prior version of that profile before updating it. The examiner further notes that “A profile is interactively developed from the individual and stored in a relational database, and continuously updated from an individual’s learning results” (Abstract) is analogous to “**a program for comparing current user profile information with information in the at least one norm user profile database**”. The examiner further notes that it is common knowledge that in order to decide whether to dynamically update a user profile, new data is compared to stored version of the profile in order to meet current trends of the user. The examiner notes that “The user interface is evolutionarily adapted to meet the individual palette” (Paragraph 89) is analogous to “**a program for determining if the current user profile information meets criteria of at least one norm user profile**”. The examiner notes that “The user interface is evolutionarily adapted to meet the individual palette” (Paragraph 89) is analogous to “**if so, customizing display information on a user interface to match the at least one norm user profile**”.

Regarding claim 43, **Knutson** further teaches a system comprising:

A) if the current user profile information does not meet criteria of at least one norm user profile, a program for customizing the display information to match the current user profile information (Paragraphs 89, 112, and 113).

The examiner notes that "The user interface is evolutionarily adapted to meet the individual palette" (Paragraph 89) is analogous to "**if the current user profile information does not meet criteria of at least one norm user profile, a program for customizing the display information to match the current user profile information**".

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Knutson** (U.S. PGPUB 2002/0087416) as applied to claims 1-22, 25-28, and 30-43 and in view of **Sloane** (U.S. Patent 5,813,863).

12. Regarding claim 23, **Knutson** does not explicitly teach a method comprising:

A) wherein filtering the at least one repository of data comprises intra-module filtering.

Sloane, however, teaches “**wherein filtering the at least one repository of data comprises intra-module filtering**” as “The module is a database containing local information relating to the subject matter” (Column 9, lines 42-43, Figure 6), “Menu items are color coded so the user can click to obtain more specific information” (Column 9, lines 46-47, Figure 6), and “the database also allows a search by keyword to locate specific topics or frequently requested subjects of interest tailored to geographic region” (Column 9, lines 48-50, Figure 6)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Sloane's** would have allowed **Knutson's** to provide a method interspersing educational material in modules for specific users, as noted by **Sloane** (Column 1, lines 63-67).

Regarding claim 24, **Knutson** does not explicitly teach a method comprising:

A) wherein filtering the at least one repository of data comprises inter-module filtering.

Sloane, however, teaches “**wherein filtering the at least one repository of data comprises inter-module filtering**” as “The courseware includes a selectable progression of modules including dynamic introductory modules leading to a combination of educational modules” (Column 2, lines 35-38)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching

Sloane's would have allowed **Knutson's** to provide a method interspersing educational material in modules for specific users, as noted by **Sloane** (Column 1, lines 63-67).

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,732,397 issued to **Detore et al.** on 24 March 1998. The subject matter disclosed therein is pertinent to that of claims 1-28, and 30-43 (e.g., methods to provide decision based modules).

U.S. Patent 5,810,605 issued to **Siefert** on 22 September 1998. The subject matter disclosed therein is pertinent to that of claims 1-28, and 30-43 (e.g., methods to provide decision based modules for education).

U.S. Patent 5,810,605 issued to **Siefert** on 18 May 1999. The subject matter disclosed therein is pertinent to that of claims 1-28, and 30-43 (e.g., methods to provide decision based modules for education).

U.S. Patent 6,151,608 issued to **Abrams** on 21 November 2000. The subject

Contact Information

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mahesh Dwivedi whose telephone number is (571) 272-2731. The examiner can normally be reached on Monday to Friday 8:20 am – 4:40 pm.

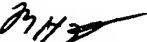
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached (571) 272-3642. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mahesh Dwivedi

Patent Examiner

Art Unit 2168


June 09, 2006


Leslie Wong
Primary Examiner